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Counsel for Defendant JARACUARO-ARELLANO

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00479-JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
JAVIER JARACUARO-ARELLANO,)	
)	
Defendant.)	

STIPULATION

Defendant Javier Jaracuaro-Arellano, by and through Assistant Federal Public Defender Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney Bradley D. Price, hereby stipulate that, with the Court's approval, the status hearing date currently scheduled for Thursday, September 2, 2010, shall be continued to Thursday, September 9, 2010, at 9:00 a.m.

The reason for the requested continuance is that the government has successfully isolated the audio-recording of Mr. Jaracuaro-Arellano's deportation hearing, from a single recording of multiple deportation hearings, and will provide a copy to the defense on or before September 2, 2010. The defense request additional time to review that audio-recording and confer with Mr.

Jaracuaro-Arellano.

The parties therefore agree that the time between September 2, 2010, and September 9, 2010 is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation.

IT IS SO STIPULATED.

Dated: September 1, 2010

/s/
VARELL L. FULLER
Assistant Federal Public Defender

Dated: September 1, 2010

/s/
BRADLEY D. PRICE
Special Assistant United States Attorney

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[PROPOSED] ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for September 2, 2010, shall be continued to Thursday, September 9, 2010, at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between September 2, 2010, and September 9, 2010, would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between September 2, 2010, and September 9, 2010, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

1 THEREFORE, IT IS HEREBY ORDERED that the time between September 2, 2010,
2 and September 9, 2010, shall be excluded from computation under the Speedy Trial Act, 18
3 U.S.C. § 3161(h)(7)(A) and (B)(iv).

4 IT IS SO ORDERED.

5 Dated: 9/1/10


6 THE HONORABLE JEREMY FOGEL
7 United States District Court Judge
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